

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRISTA PEOPLES, an individual,

Plaintiff,

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION and USAA CASUALTY
INSURANCE COMPANY,

Defendants.

No. 2:18-cv-01173-RSL

**STIPULATED MOTION AND
~~(PROPOSED)~~ ORDER TO CONTINUE
CLASS CERTIFICATION DEADLINES**

**NOTE ON MOTION CALENDAR:
NOVEMBER 6, 2019**

STIPULATED MOTION

The parties to this action, by and through their undersigned counsel, jointly and respectfully seek leave of the Court to renege Plaintiff's Motion for Class Certification of Breach of Contract Claim and continue the December 2 deadline for Defendants' opposition to that Motion and the December 6 deadline for Plaintiff's reply. The parties have been engaging in discussions regarding the possible resolution of this case and a related case in the King County Superior Court. The parties have scheduled a mediation for January 9, 2019. The parties respectfully submit that good cause exists for continuing the class certification deadlines to preserve judicial resources and promote exploration of efficient resolution.

STIPULATED MOTION AND ORDER TO
CONTINUE CLASS CERTIFICATION DEADLINES – 1

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1 The parties have been engaged in discussing the possibility of resolving this case and
 2 another case, *Eastside Physical Therapy, Inc., P.S., et al. v. United Services Automobile*
 3 *Association, et al.*, which will be remanded to the King County Superior Court pursuant to a
 4 September 30, 2019 Opinion issued by the Washington Court of Appeals.¹ *Eastside* is a
 5 putative class action brought by healthcare providers against Defendants, challenging their
 6 use of the same Reasonable Fee Methodology that is at issue here. Counsel for Plaintiff Ms.
 7 Peoples (who is an insured, not a healthcare provider) in this case, Breskin Johnson Townsend
 8 PLLC, are also counsel for the plaintiffs in *Eastside*. Defense counsel, Corr Cronin LLP and
 9 Schiff Hardin LLP, represent Defendants both in this case and in *Eastside*. In connection with
 10 their discussions regarding possible resolution, the parties have agreed to mediate with Judge
 11 Paris K. Kallas, of Judicial Dispute Resolution, LLC, on January 9, 2019.

12 In order to allow the parties to continue their discussions and mediate, without
 13 committing additional time and resources of the Court and the parties to briefing and deciding
 14 class certification, the parties stipulate to, and respectfully ask the Court to issue, an Order
 15 continuing the class certification deadlines. Specifically, the parties request that the Court
 16 rene Plaintiff's Motion for Class Certification of Breach of Contract Claim for Friday,
 17 March 13, 2020, with corresponding deadlines for Defendants' opposition on March 2 and
 18 Plaintiff's reply on March 13. This three-month continuance will allow sufficient time to
 19 continue ongoing discussions, mediate on January 9, and conduct any necessary follow-up
 20 dialogue after the mediation in an effort to resolve the parties' dispute and alleviate the need
 21 for any further litigation.

22
 23
 24 ¹ See Court of Appeals Division I Case No. 78134-1 and King County Superior Court Case
 25 No. 17-2-26885-2 SEA. The plaintiffs in *Eastside* filed a Motion for Reconsideration in the Court of
 Appeals, which remains pending. As a result, the case has not yet been remanded to the Superior
 Court.

1 The parties respectfully submit that there is good cause for this requested continuance,
2 as it will allow the parties to pursue the efficient resolution of this case (and the *Eastside* case)
3 without simultaneously being forced to commit additional time and resources to briefing class
4 certification, while also preserving the Court's time and resources, which the parties
5 recognize are limited and should not be unnecessarily wasted. The parties, therefore, stipulate
6 and jointly and respectfully request that the Court enter proposed Order submitted with this
7 Motion.

8
9 So Stipulated and Respectfully Submitted this 6th day of November, 2019.

10
11 BRESKIN JOHNSON TOWNSEND, PLLC

CORR CRONIN LLP

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Attorneys for Defendants

ORDER

Based upon the parties' Stipulated Motion and Order to Continue Class Certification Deadlines, the Court hereby finds good cause to GRANT the stipulated motion. The Clerk of Court is directed to renote Plaintiff's Motion for Class Certification of Breach of Contract Claim (Dkt. #67) for consideration on Friday, March 13, 2020. Defendants may, on or before March 2, file a substantive opposition to Plaintiff's Motion. Plaintiff's reply is due on or before the note date.

IT IS SO ORDERED.

DATED: Nov. 7, 2019



Robert S. Lasnik
United States District Judge